UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/655,759	09/05/2000	Jason Green	A7586	8540

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EXAMINER
OUELLETTE, JONATHAN P

ART UNIT	PAPER NUMBER
3629	

DATE MAILED: 08/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

		Application No.		Applicant(s)
Office Action Summary		09/655,759		GREEN ET AL.
		Examiner		**Art Unit**
		Jonathan Ouellette		3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _05 September 2000_ .

2a) ☐ This action is **FINAL**.　　2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-67_ is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-67_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

　　If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All b)☐ Some * c)☐ None of:

　　　1.☐ Certified copies of the priority documents have been received.

　　　2.☐ Certified copies of the priority documents have been received in Application No. _____ .

　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
　　　　application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

　　a) ☐ The translation of the foreign language provisional application has been received.

15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____ .

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. <u>Claims 1</u> are rejected under 35 U.S.C. 102(b) as being anticipated by Narrative

Communications (www.narrative.com, published date 5/13/1998, retrieved from Internet

Wayback Machine <http://web.archive.org> on 8/11/2003).

3. As per independent Claim 1, Narrative Communications discloses a method of interactive

advertising, comprising: displaying a Web page having an ad space; detecting a user

interaction with said ad space; and in response to said interaction, obtaining purchasing

data in only said ad space (www.narrative.com).

4. As per independent Claims 2, 48, and 51, Narrative Communications discloses an

interactive advertising support method (element server, computer program product)

comprising: (a processor, and a memory under control of said processor;) providing to a

web client an interactive element obtained from an element server; providing at said

element server a companion element corresponding to said interactive element;

responding to a distant target file requirement of said interactive element by sending to

said companion element a distant file request relating to a distant target file address on a

distant server distinct from said element server; responding, at said companion element,

to said distant file request, by interacting with said distant server in accordance with said

distant file request (www.narrative.com).

5. As per Claims 3, 49, and 52, Narrative Communications discloses when said distant file

request is a distant target file delivery request: said distant target file address indicates a

distant target file of said distant server; and said companion element: responds to said

distant target file delivery request by obtaining said distant target file from said distant

server, stores said distant target file at said element server as a local target file, and

provides said local target file to said interactive element in satisfaction of said distant

target file delivery request (www.narrative.com).

6. As per Claims 4, 50, and 53, Narrative Communications discloses where said distant file

request is a distant target file transmit request: said distant target file address indicates a

distant target file destination address of said distant server; said interactive element

provides said distant target file to said companion element; and said companion element

responds to said distant target file transmit request by sending said distant target file to

said distant target file destination address (www.narrative.com).

7. As per Claim 5, Narrative Communications discloses said web client being provided with

a primary target file from a website system; said web client displaying for a user an

original web page based on said primary target file; said primary target file including a

reference to an ad space file of a distributor system; said ad space file including a

reference to said interactive element; said interactive element defining an advertising

program of an ad space of said primary target file; and said distant file server defining a

vendor system of a vendor (www.narrative.com).

8. As per Claim 6, Narrative Communications discloses wherein: said advertising program places information about products of said vendor directly in said ad space; and said advertising program displays a user activatable area for browsing said products through said ad space without leaving said original web page (www.narrative.com).

9. As per Claim 7, Narrative Communications discloses wherein said advertising program displays a user activatable area for enabling said user to purchase a selected one of said products of said vendor without leaving said original web display (www.narrative.com).

10. As per Claim 8, Narrative Communications discloses wherein said advertising program includes a shopping cart capability allowing said user to select a plurality of said products and then purchase them all at one time without leaving said original web page (www.narrative.com).

11. As per Claim 9, Narrative Communications discloses wherein: said advertising program initially displays in said ad space a first presentation selected from the set consisting of images, animations, and text; said advertising program responds to a first interaction of said user with said ad space by displaying a second presentation (www.narrative.com).

12. As per Claim 10, Narrative Communications discloses wherein an initial program load for said advertising program is performed so as to load a highest priority resource prior to loading, in a low priority thread, a remainder of resources required by said advertising program (www.narrative.com).

13. As per Claim 11, Narrative Communications discloses making a detection of an environment of said web client prior to said step of providing to said web client said interactive element (www.narrative.com).

14. As per Claim 12, Narrative Communications discloses wherein said detection of said environment includes determining one or more of: the kind of software for said web client; the kind of hardware on which said web client is running; and the connection speed between the element server and the web client (www.narrative.com).

15. As per Claim 13, Narrative Communications discloses selecting said interactive element based on said determination of said environment (www.narrative.com).

16. As per Claim 14, Narrative Communications discloses making a determination of a context of said original web page based on said primary target file; and selecting content for said interactive element based on said determination of said context of said original web page (www.narrative.com).

17. As per Claim 15, Narrative Communications discloses wherein said advertising program provides a presentation emulating a website of said vendor (www.narrative.com).

18. As per Claim 16, Narrative Communications discloses wherein said interactive element sends to said companion element a distant files request for a multimedia file, and provides the contents of said multimedia file through said ad space (www.narrative.com).

19. As per Claim 17, Narrative Communications discloses a step of said vendor updating said distant target file (www.narrative.com).

20. As per Claim 18, Narrative Communications discloses wherein said updating is performed automatically from said vendor system at a predetermined interval (www.narrative.com).

21. As per Claim 19, Narrative Communications discloses wherein said distant target file is an electronic product of said vendor and is delivered to said user via said companion element and said interactive element (www.narrative.com).

22. As per Claim 20, Narrative Communications discloses wherein said electronic product of said vendor is one or more of: a software product, a written product, and a multimedia product (www.narrative.com).

23. As per Claim 21, Narrative Communications discloses wherein said advertising program constitutes a registration engine for gathering user subscriptions (www.narrative.com).

24. As per Claim 22, Narrative Communications discloses wherein content for display by said interactive element is selected based on information about said user (www.narrative.com).

25. As per Claim 23, Narrative Communications discloses wherein information about said user is obtained from a cookie (www.narrative.com).

26. As per Claim 24, Narrative Communications discloses wherein said information about said user is obtained from an ad tracking database (www.narrative.com).

27. As per Claim 25, Narrative Communications discloses wherein said ad tracking database is provided by said distributor system (www.narrative.com).

28. As per Claim 26, Narrative Communications discloses wherein said ad tracking database is provided by said vendor system (www.narrative.com).

29. As per Claim 27, Narrative Communications discloses providing to said user a price quote for a customized one of said products (www.narrative.com).

30. As per Claim 28, Narrative Communications discloses selecting content for said interactive element to display based on geographical information pertaining to said user (www.narrative.com).

31. As per Claim 29, Narrative Communications discloses wherein said interactive element is provided with information that is continually updated (www.narrative.com).

32. As per Claim 30, Narrative Communications discloses said interactive element providing a transaction capability for creating a transaction based on a present value of said information that is continually updated (www.narrative.com).

33. As per Claim 31, Narrative Communications discloses wherein said interactive element includes a user activatable area for setting an alert based on a present value of said information that is continually updated (www.narrative.com).

34. As per Claim 32, Narrative Communications discloses triggering said alert to create said transaction (www.narrative.com).

35. As per Claim 33, Narrative Communications discloses wherein said interactive element is structured to present to said user a live gaming interface (www.narrative.com).

36. As per Claim 34, Narrative Communications discloses wherein user interactions with said interactive element are used as an input to an ad tracking database storing information relating to said user (www.narrative.com).

37. As per Claim 35, Narrative Communications discloses wherein said ad tracking database stores includes shipping and purchasing information pertaining to said user, and said shipping and purchasing information is accessible by interactive elements pertaining to products from a plurality of vendors (www.narrative.com).

38. As per Claim 36, Narrative Communications discloses wherein said ad space includes a user activatable area for a user to initiate an operation for activating said interactive element in an independent window (www.narrative.com).

39. As per Claim 37, Narrative Communications discloses wherein said original web page includes a plurality of ad spaces with corresponding interactive elements (www.narrative.com).

40. As per Claim 38, Narrative Communications discloses wherein said corresponding interactive elements for said plurality of ad spaces are selected by said user (www.narrative.com).

41. As per Claim 39, Narrative Communications discloses wherein said advertising program displays a survey for gathering feedback from said user and stores a user response to said survey in an ad tracking database without leaving said original web page (www.narrative.com).

42. As per Claim 40, Narrative Communications discloses storing information obtained about said user through said interactive element in an ad tracking database, and sending advertising information to said user via one or more of e-mail, telephone calls, faxes, and mail (www.narrative.com).

43. As per Claim 41, Narrative Communications discloses storing information obtained about said user through said interactive element in an ad tracking database, said information including environment information relating to said user, wherein said environment information includes one or more of: connection bandwidth, hardware address, hardware platform, software environment, operating system, cookie data, data acquired from

previous interactions, recent browsing history, referring website, current website context, purchasing history, address, age, country, language, sex, and survey data (www.narrative.com).

44. As per Claim 42, Narrative Communications discloses a step of performing post presentation marketing by presenting to said user one or more of coupons, discounts, and incentives (www.narrative.com).

45. As per Claim 43, Narrative Communications discloses a step for sending to said vendor statistics relating to one or more of an environment of said user, behavior of said user, user interactions, and the duration of said user interactions (www.narrative.com).

46. As per Claim 44, Narrative Communications discloses wherein said interactive element provides a user communication interface for interactive communication between said vendor and said user through said ad space (www.narrative.com).

47. As per Claim 45, Narrative Communications discloses wherein said interactive element includes a natural language capable query program (www.narrative.com).

48. As per Claim 46, Narrative Communications discloses wherein said interactive element includes a conversation capable agent for communicating with said user (www.narrative.com).

49. As per Claim 47, Narrative Communications discloses wherein said interactive element includes a communication interface supporting a chat session (www.narrative.com).

50. As per independent Claim 54, Narrative Communications discloses a context sensitive advertising method, comprising: preparing a primary target file comprising a relation between context sensitive display elements and corresponding keys; detecting a user

interaction with one of said context sensitive display elements; in response to said

detecting of said user interaction, displaying an ad space based on the corresponding key

of said context sensitive display elements (www.narrative.com).

51. As per Claim 55, Narrative Communications discloses wherein: said primary target file

includes a reference to an ad program, and said ad program is a function definition file

including functions for displaying said ad space (www.narrative.com).

52. As per Claim 56, Narrative Communications discloses wherein said ad space is a popup

window (www.narrative.com).

53. As per Claim 57, Narrative Communications discloses wherein said popup window

automatically closes after the lapse of a predetermined period of time in the absence of a

user interaction with said popup window (www.narrative.com).

54. As per Claim 58, Narrative Communications discloses wherein said popup window

remains open beyond said lapse of said predetermined period of time in response to a

user interaction with said popup window (www.narrative.com).

55. As per Claims 59 and 61, Narrative Communications discloses wherein said displaying of

said ad space is made further in response to said user interaction being detected for a time

greater than a threshold period of time (www.narrative.com).

56. As per Claim 60, Narrative Communications discloses wherein said ad space is other than

a popup window (www.narrative.com).

57. As per Claim 62, Narrative Communications discloses wherein said step of displaying

said ad space comprises: loading an ad space target file having selection statements;

executing said selection statements so as to select, based on said the corresponding key of

said one of said context sensitive display elements, an ad space display management file;

and performing said displaying of said ad space based under control of the contents of

said selected ad space display management file (www.narrative.com).

58. As per Claim 63, Narrative Communications discloses wherein said contents of said ad

space display management file indicate an image file for display in said ad space

(www.narrative.com).

59. As per Claim 64, Narrative Communications discloses wherein contents of said ad space

display management file indicate an interactive element for controlling display of said ad

space (www.narrative.com).

60. As per Claim 65, Narrative Communications discloses predefining a collection of said

keys, associated products for sale, and corresponding ad space display management files

for one specific customer; using ones of said keys and associated context sensitive

display elements in a plurality of primary target files defining a set of premium affiliate

webpages; and providing compensation for said premium affiliate webpages from said

one specific sponsor (www.narrative.com).

61. As per Claim 66, Narrative Communications discloses predefining a collection of said

keys, associated products for sale, and corresponding ad space display management files,

for a plurality of customers; using ones of said keys and associated context sensitive

display elements in a plurality of primary target files defining an advertising network of

webpages; providing subscriptions for said keys to ones of said plurality of customers;

determining, when said user interaction with one of said context sensitive display

elements is detected, which one of said plurality of customers has a subscribed to the

corresponding one of said keys; performing said displaying of said ad space based on said corresponding one of said keys and also based on said determination of said subscribed one of said plurality of customers (www.narrative.com).

62. As per Claim 67, Narrative Communications discloses predefining for sale, and corresponding ad space display management files; using ones of said keys and associated context sensitive display elements in a plurality of primary target files defining an advertising network of webpages; providing subscriptions for said keys to ones of said plurality of customers; determining, when said user interaction with one of said context sensitive display elements is detected, which one of said plurality of customers has subscribed to the corresponding one of said keys; performing said displaying of said ad space based on said corresponding one of said keys and also based on said determination of said subscribed one of said plurality of customers (www.narrative.com).

Conclusion

63. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

64. The following patents are cited to further show the state of the art with respect to *** in general:

> U.S. Pat. No. 6,393,407 to Middleton, III et al.
>
> Middleton discloses a system wherein, in connection with the display of advertising within Web pages, an applet is downloaded to the user's Web browser to track the user's interactions with a Web page. Tracked user

interactions include mouse cursor position, time displayed on page, time of

mouse cursor hovering over the advertisement etc. The applet forwards

logged information from the client to a remote server controlled by the

advertiser or rating service at an appropriate time.

65. The following foreign patent is cited to show the best foreign prior art found by the

examiner:

PCT Pat. No. WO 200106441 A2 to Kliger et al.

Kliger discloses a dynamic visual representation provision of customizable

advertisement, involves running applet program at client computer to

execute program logic for constructing visual representation of customizable

advertisement.

66. Additional prior art has been referenced on the attached PTO-892 form, and the Examiner

suggests the applicant review these documents before submitting any amendments.
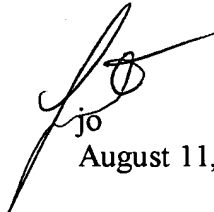
67. Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Jonathan Ouellette whose telephone number is (703) 605-

0662. The examiner can normally be reached on Monday through Thursday, 8am -

5:00pm.

68. If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John Weiss can be reached on (703) 308-2702. The fax phone numbers for

the organization where this application or proceeding is assigned (703) 872-9306 for all

official communications.

69. Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is (703) 306-5484.

jo
August 11, 2003

JOHN G. WEISS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600